

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re REFCO INC. SECURITIES LITIGATION

Case No. 07-MDL No. 1902 (JSR)

KENNETH M. KRYIS, *et al.*,

08 Civ. 7416 (JSR)

Plaintiffs,

-against-

ROBERT AARON, *et al.*,

Defendants.

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE THAT** upon the accompanying Memorandum of Law in Support of Defendants' Motion for Partial Summary Judgment, and the accompany Joint Rule 56.1 Statement and Declaration of B. John Pendleton, Jr., dated December 31, 2012 (and exhibits thereto), the undersigned will move this Court for an order dismissing the Amended Complaint directed at Derivatives Portfolio Management, Ltd., Derivatives Portfolio Management, LLC, DPM Mellon, Limited, DPM Mellon, LLC and Robert Aaron pursuant to Rule 56 of the Federal Rules of Civil Procedure, and granting such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE THAT** in accordance with the directive of the Special Master, any Opposition to this Motion for Partial Summary Judgment shall be served and

filed by March 1, 2013 and any Reply to any Opposition to this Motion for Partial Summary Judgment shall be served and filed by March 22, 2013.

Dated: Florham Park, New Jersey  
December 31, 2012

DLA PIPER US LLP

By: s/ B. John Pendleton, Jr.  
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